

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 18-1682V

UNPUBLISHED

LINDSEY MILLER,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: April 20, 2020

Special Processing Unit (SPU);
Damages Decision Based on Proffer;
Influenza (Flu) Vaccine; Shoulder
Injury Related to Vaccine
Administration (SIRVA)

Kristina E. Grigorian, Jeffrey S. Pop & Associates, Beverly Hills, CA, for petitioner.

Ryan Daniel Pyles, U.S. Department of Justice, Washington, DC, for respondent.

DECISION AWARDING DAMAGES¹

On October 31, 2018, Lindsey Miller filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the “Vaccine Act”). Petitioner alleges that she suffered a vaccine-specific injury on the Vaccine Injury Table within the requisite time period set forth in the Table (a “Table” injury). Petition at 1. Specifically, Petitioner alleges that she developed a left Shoulder Injury Related to Vaccine Administration (SIRVA) within two days of receiving an influenza (“flu”) vaccine in her left shoulder on January 15, 2018. *Id.* The case was assigned to the Special Processing Unit of the Office of Special Masters.

On April 20, 2020, a ruling on entitlement was issued, finding Petitioner entitled to compensation for a left SIRVA. On April 20, 2020, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded \$60,810.00.

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

ECF 26 at 1. In the Proffer, Respondent represented that Petitioner agrees with the proffered award. *Id.* at 4. Of this total amount, \$60,000.00 represents an award for pain and suffering, and \$810.00 represents an award for unreimbursed expenses. *Id.* Based on the record as a whole, I find that Petitioner is entitled to an award as stated in the Proffer.

Therefore, **I award Petitioner a lump sum payment of \$60,810.00 in the form of a check payable to Petitioner.** This amount represents compensation for all damages that would be available under § 15(a).

The clerk of the court is directed to enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/Brian H. Corcoran
Brian H. Corcoran
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.